



ORDINANCE NUMBER 2791

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A RESTAURANT WITH DRIVE-IN SERVICE ON AN APPROXIMATE 0.83-ACRE TRACT OF LAND GENERALLY KNOWN AS 3660 BELT LINE ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 23 (PD-23) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a restaurant with drive-in service on an approximate 0.83-acre tract of land generally known as 3660 Belt Line Road within Planned Development No. 23 (PD-23) zoning district (hereinafter the "Property"), as described in Exhibit "A," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 23 (PD-23) zoning district and in accordance with the approved site plan attached as Exhibit "B," with the condition that the subject Property shall be replatted including dedication of fire lane, access and utility easements, prior to issuance of a building permit.

SECTION 4. That the City Council does hereby approve a special exception to masonry construction requirements for the canopy support columns, in accordance with the approved site plan attached as Exhibit "B."

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

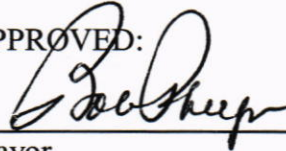
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 20th day of September, 2004.

APPROVED:



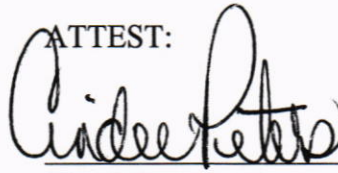
Mayor

APPROVED AS TO FORM:



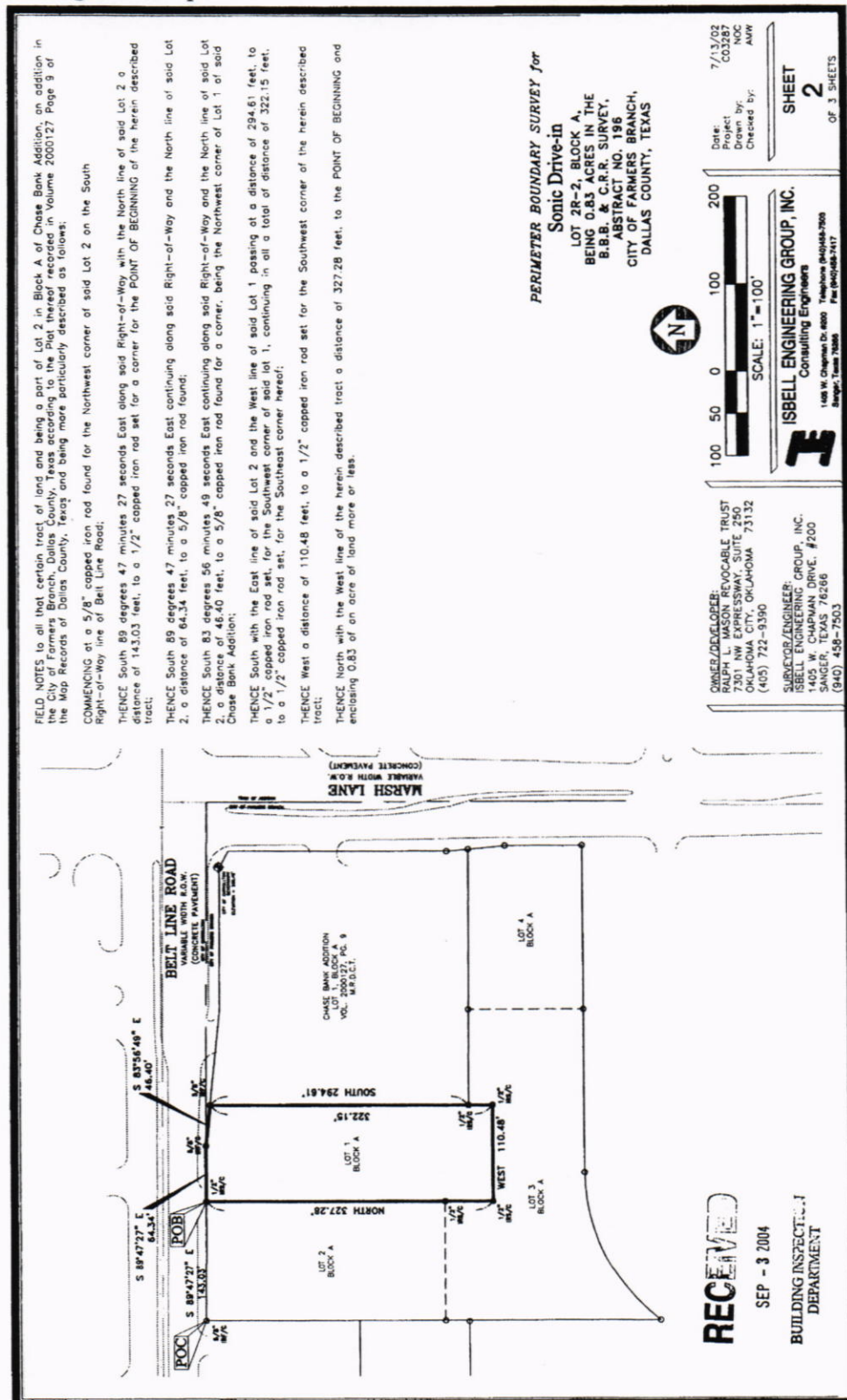
City Attorney

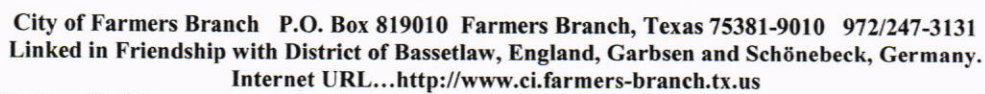
ATTEST:

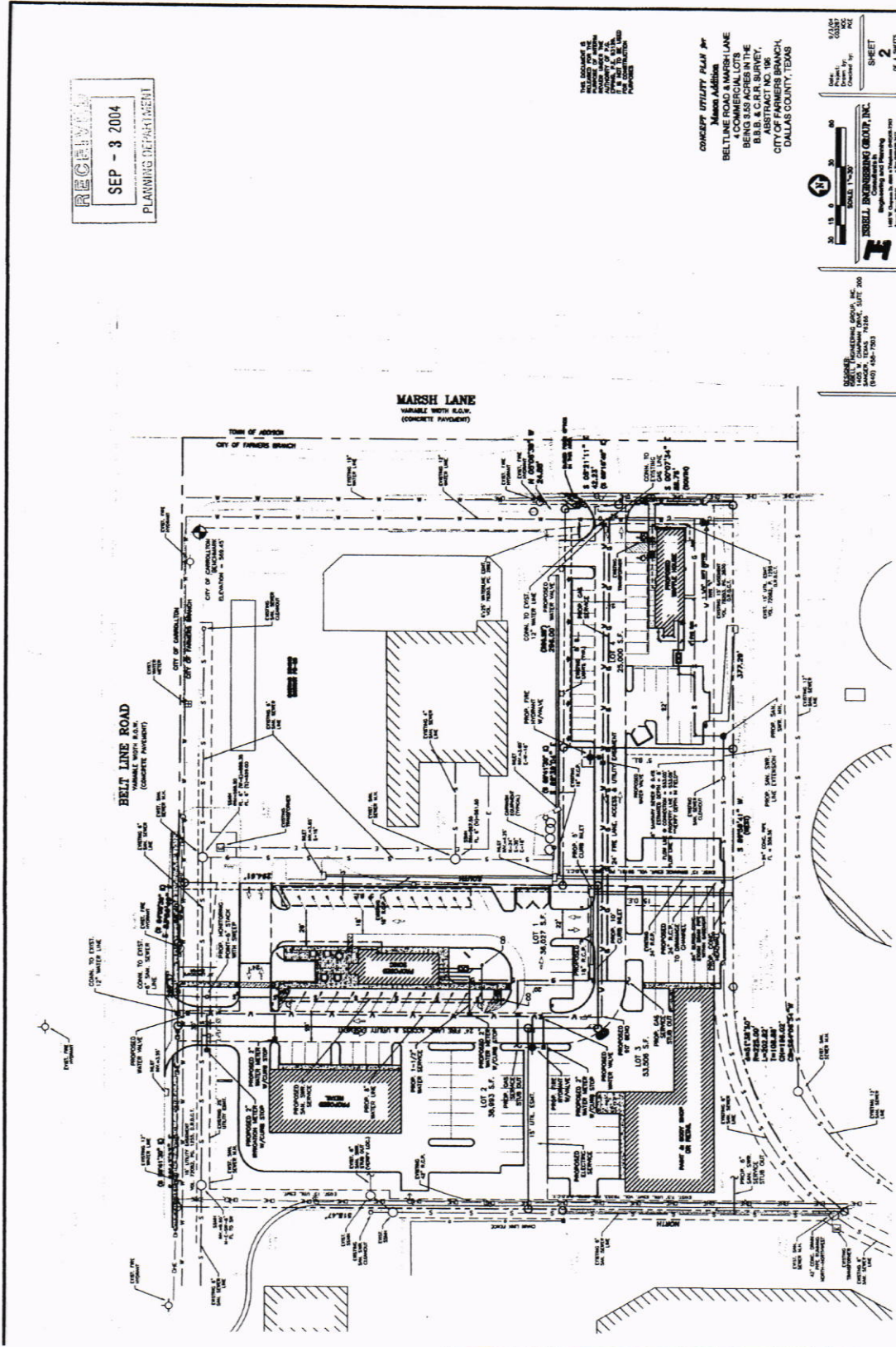


City Secretary

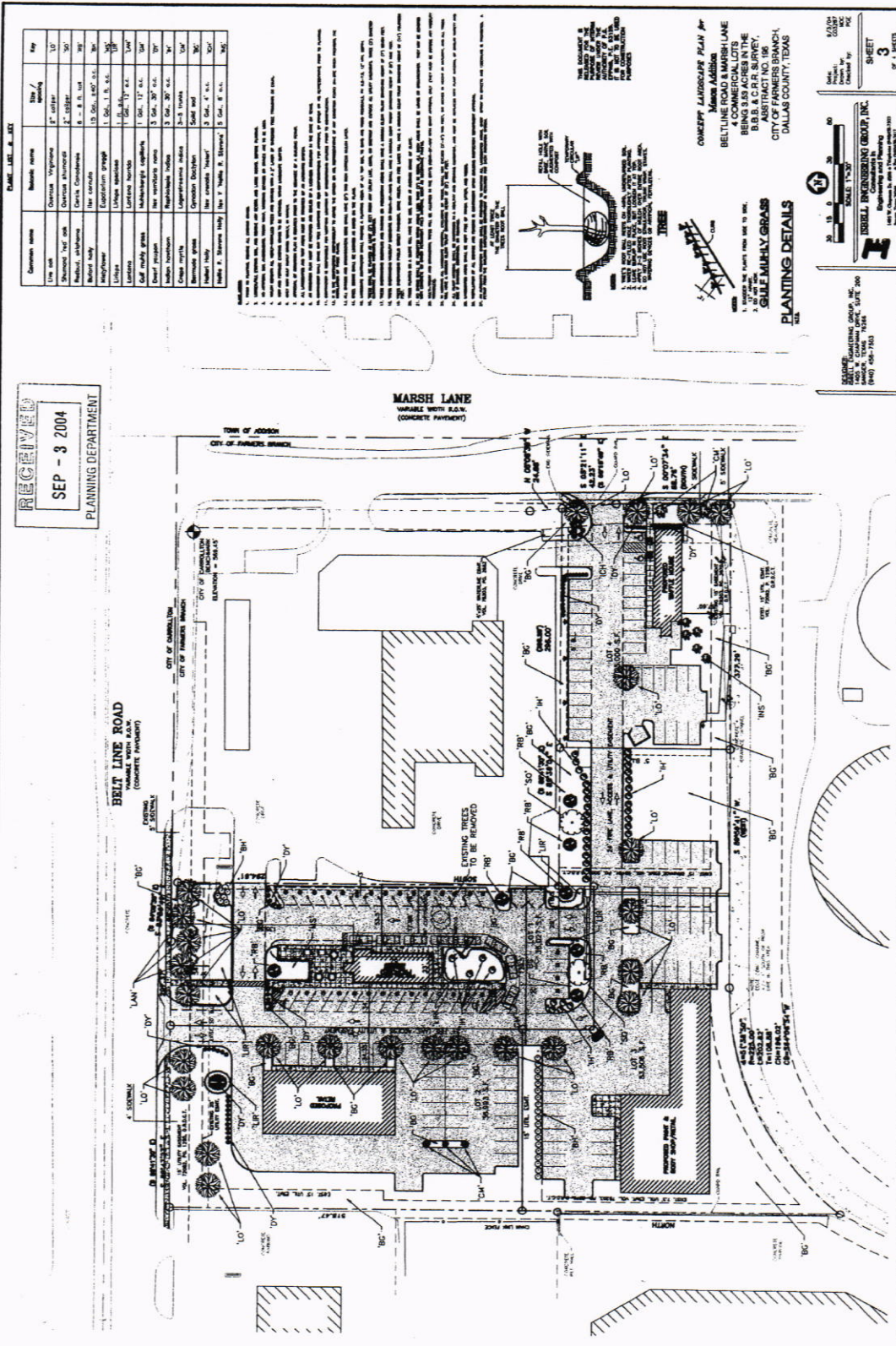
Exhibit "A" – Legal Description







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BENCHMARK 1:
CITY MONUMENT #372 AT SOUTHWEST CORNER
MARSH LN AND BELTLINE RD. 4.5' SOUTHWEST
OF POWER POLE, 22.5 EAST OF FIRE HYDRANT.
ELEVATION 549.45'

BENCHMARK 2:
"BULLDOG BOLT" ON FLANGE OF FIRE HYDRANT
SOUTH SIDE OF BELTLINE RD. 300' +/- WEST OF
MARSH LN.
ELEVATION 548.34'

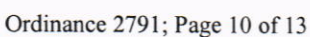


Exhibit "B" (continued)

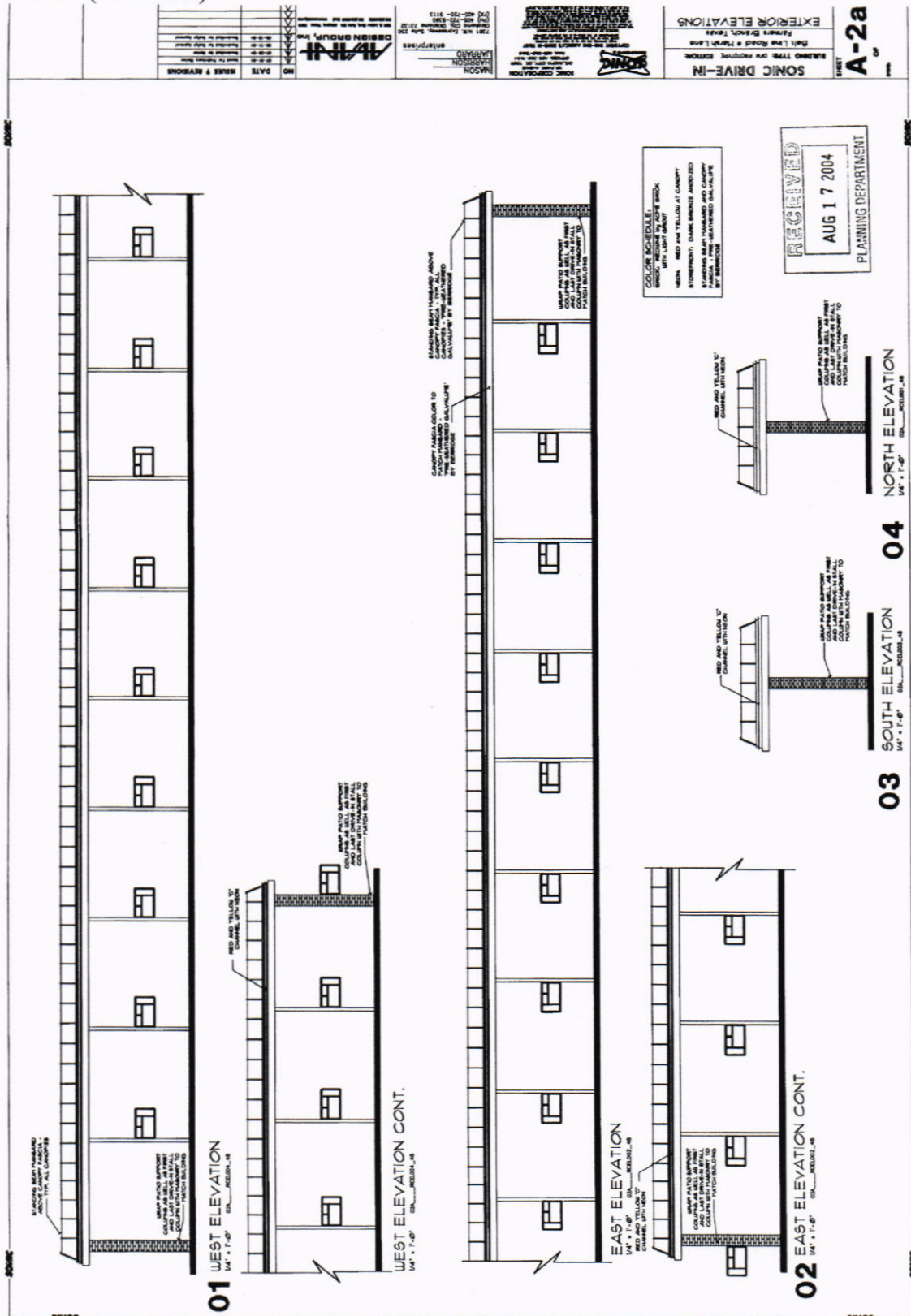


Exhibit "B" (continued)

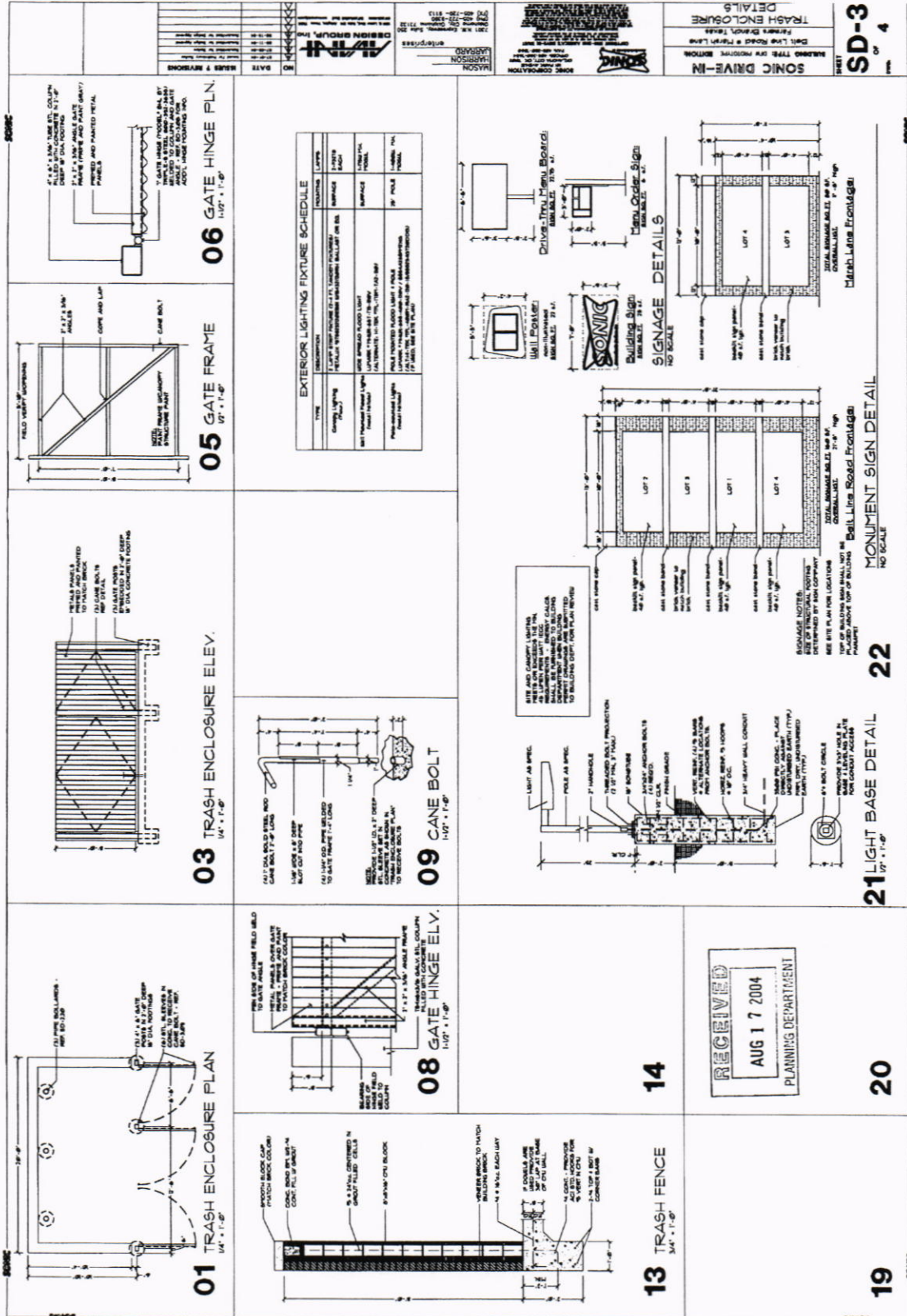


Exhibit "B" (continued)

